

CITY OF TEMPE HEARING OFFICER

Meeting Date: 09/04/2018

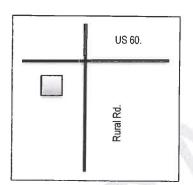
Agenda Item: 5

ACTION: Request approval to abate public nuisance items at the Beck Property located at 606 E. Carson Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$275.00 for abatement request, removal of any unregistered vehicles from the front and side yards.

RECOMMENDATION: Staff – Approval of 180 day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the BECK PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE182044: removal of any unregistered vehicles from the front and side yards.



Property Owner

Applicant

Zoning District:

Code Compliance Inspector:

David & Cathryn L. Beck

City of Tempe – Code Compliance

R1-6, Single Family Residential Julie Scofield, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Beck Property located at 606 E. Carson Drive, in the R1-6, Single Family Residential district. This case was initiated 04/10/2018, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

Project Submittal Application

City of Tempe Community Development Department 31 E. 5th Street, Garden Level, Tempe, AZ 85281 Building Safety - Phone: 480-350-8341 Fax: 480-350-8677 Planning - Phone: 480-350-8331 Fax: 480-350-8872



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Project Information - Required										
Beck Residence Abatement										
Project Address:	C	X = Ta	22 12	20222	Suite No.:	Ð				
Proposed Use of Building/Suite:	Carso		mpo Az 8	57×0×						
Single family Rosidenco Existing Zoning: 21-6										
Legal Description: Attache	4				Percel No :					
Description of Work/Request:	10		dens		133-41-	554				
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Hear	LDC I	s Sept	4th, 20	018						
)	Valu	ration (for building pla							
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Company or Firm Name:		N. walson	+	Telephone 1:	2001					
Applicant's Name:	inity	Divelopme	n	(480) Telephone 2:	350 8951	Ext:				
Julie S	cofie	eld		()		Ext:				
Applicant's Street Address:	,			Fax:						
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Tempe		State:	85382	Email Address(Scofield @	Leman a				
Applicant Signature:	1. 0	,	103300	Date:	11.0	tempe . ga				
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Planning	Fees	Building #-0	or City Use Only Engineering		Submitted Materials:					
□ SPR		☐ New Building	☐ Engineering		Building	Fire				
☐ Dev Plan Review		a Complete	☐ Revision		Ptenning	Signs				
☐ Sign Permit		n Prelease	Tracking Nos.:		Engineering	Signs				
☐ Use Permit		☐ AddVAlt	DS		Linginosinig	i				
□ Variance		מם			☐ Spec Book(s)	□ Soils Report				
☐ General Plan Amend		□ AFES (O/H)	BP		☐ Structural Calcs	□ Report				
☐ Zoning Amend		□ MF	EN		☐ Truss Calcs	☐ Materials				
□ Zoning Verification Letter		□ NRes	PL.		☐ Hydraulic Calcs	☐ Color Board				
☐ Subdivision/Condo		☐ Res Remodel/Add	l _x		☐ Parking Analysis	☐ Haz Mat Form				
☐ PAD Overtay		□ Pool			☐ Lighting Cut Sheets ☐ Other:					
☐ Legal Posting Signs		☐ Demo ☐ Grading Only	PC		Total Valuation:					
☐ Administrative Decision		☐ Phased Constr	PPC							
Abatement Abatement		☐ Phased Constr	CA		Total Submittal Fees:					
13 Shared Parking		w/UG MEP	FR							
CCR Review		☐ Structural Frame				l				
☐ Continuance		C MEP Only	RA							
☐ Appeal		C Mobile Home	SGN							
CI Other		☐ Factory Built Bldg ☐ Deferred submittal	PF		Validation:					
Fire		☐ Revision								
Tanks		☐ New Standard	MCA Code:							
☐ Spray Paint Booth		☐ Permits based								
☐ Special Extinguishing		on Standard #	File With:							
☐ Fire Alarm		El Cuitina			Date Stamp:					
☐ Kitchen Hood System	<u> </u>	☐ Suiting ☐ Other	Desciond D							
☐ Rack Storage	<u> </u>	- Culsi	Received By:							
□ Hazmat										
Other										

DATE:

08/01/2018

TO:

Jeff Tamulevich, Code Administrator

FROM:

Julie Scofield

SUBJECT:

Beck Property Abatement

LOCATION:

606 E. Carson Dr. Tempe, AZ 85282

PARCEL:

133-41-554

OWNER:

David Beck

P.O. Box 25706

Tempe, AZ 85285-5706

FINDINGS:

04/10/2018 Complaint came into Neighborhood Enhancement (CE182044) for this property

regarding junk/debris, and unregistered vehicles. Went to the property and there were multiple vehicles unregistered displaying expired plates. There were also items being stored on the side and in the front of the property. A notice was mailed to the owner,

David beck.

04/27/2018 The property was inspected again. There has been no change in the condition of the

property. A final notice was mailed.

05/03/2018 The final notice came back to me in the mail with a forwarding address. The final notice

was mailed to the forwarding address.

06/01/2018 Went to the property and it was still in violation for the unregistered vehicles and the

junk/debris. A pink hanger was placed on the gate to front door asking for compliance or

contact regarding the violations.

06/07/2018 Went to the property and issued a citation for junk and debris and unregistered vehicles.

Pictures were taken at that time.

06/28/2018 The owner requested a hearing for the citations that were issued.

07/19/2018 The owner failed to appear at the court hearing.

07/27/2018 Requested a bid for the removal of the one unregistered vehicle in the driveway. The

junk and debris has been cleaned up.

08/01/2018 The abatement paperwork has been turned in and the hearing is set for September 4th,

2018.

RECOMMENDATIONS:

I am recommending the approval for the abatement at 606 E. Carson Dr. The property is owned by David Beck, who has been given ample time and opportunities to bring this property into compliance and has failed to correct all violations. The owner was cited and failed to show up in court. The property is still in violation of having an unregistered vehicle in the driveway and an abatement would be able to have this vehicle removed. I am requesting the 180-day open abatement in the event the property once again comes into non-compliance.

Respectfully submitted,

Julie Scofield

ACTION TAKEN:

NAME DATE: CASE # CE182044



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 08/01/2018

DAVID BECK P.O. BOX 25706 TEMPE, AZ 85285-5706

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

Legal:

TEMPE GARDENS

Location:

606 E. CARSON DR. TEMPE, AZ 85282

Parcel:

133-41-554

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **09/04/2018**. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

Violation of City of Tempe Code 21-3-B-3

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:

- Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;
- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;
- c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- d. Lawful commercial activities involving vehicles as allowed by the Zoning and Development Code; or
- e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code.
- 1. REMOVE ANY UNREGISTERED VEHICLES FROM THE FRONT/SIDE OF THE PROPERTY.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process.

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$275.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Inspector: Julie Scofield Phone Number: (480)350-8951

E-mail: julie_scofield@tempe.gov



July 31, 2018

City of Tempe Attn: Julie Scofield Code Inspector

RE: Clean up – 606 E Carson Drive

Thank you for giving Artistic Land Management, Inc the opportunity to serve your landscaping needs. Below is our price to provide all labor, equipment, landfill fees, and supervision to perform the work listed below at 606 E Carson Drive in the City of Tempe. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Removal of un-registered vehicle in the driveway
- Police Office on site during abatement

Total = \$275.00

Respectfully,

Jose Hernandez

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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COMPLAINT



Query Response (Order 44629947)

Plate Number AAF7348

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Name

ARIZONA MOTOR VEHICLE RECORD AS OF 06/07/2018

PLATE AAF7348 - 001

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LEGAL STATUS

OWNER1 TERESA, KAY, OLIPHANT OWNER2 SARAH, NICOLE, OLIPHANT

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COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

04/10/2018

BECK DAVID/CATHRYN L 606 E CARSON DR TEMPE, AZ 85282-7002

Case#: CE182044

Site Address: 606 E. CARSON DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 04/25/2018

This is a notice to inform you that this site was inspected on 04/10/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

VIOLATION SECTION:

Violation of City of Tempe Code 21-3-B-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

Violation of City of Tempe Code 21-3-B-1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

Violation of City of Tempe Code 21-3-B-3

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:

- Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;
- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period:
- c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- Lawful commercial activities involving vehicles as allowed by the Zoning and Development Code;

e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- PLEASE REMOVE ALL GRASS AND OR WEEDS FROM THE FRONT AND OR SIDES OF THE PROPERTY IN THE GRAVEL LANDSCAPED AREAS. ALL GRAVEL LANDSCAPES MUST BE MAINTAINED FREE AND CLEAR OF ANY UNCONTROLLED GROWTH REGARDLESS OF HEIGHT.
- 2. PLEASE REMOVE ITEMS BEING STORED IN THE FRONT AND OR SIDE OF THE PROPERTY. INCLUDING TRASH, CLOTH ITEMS, WOOD, METAL, AND ANY OTHER MISCELLANEOUS ITEMS.
- 3. VEHICLES OUT IN THE OPEN MUST BE REGISTERED AND DISPLAYING CURRENT PLATE AND OR TAGS. PLEASE MAKE SURE THE VAN AND SUBURBAN ARE REGISTERED AND DISPLAYING CURRENT TAGS/PLATES.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Julie Scofield Code Inspector II E-Mail Direct: 480-350-8951 Code Compliance: 480-350-8372 julie_scofield@tempe.gov

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).



COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE FINAL CORRECTION NOTICE

05/03/18

BECK DAVID/CATHRYN L P.O. BOX 25706 TEMPE, AZ 85285-5706

Case#: CE182044

Site Address: 606 E. CARSON DR. TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 05/17/2018

This is a notice to inform you that this site was inspected on 05/03/18 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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Julie Scofield Code Inspector II E-Mail Direct: 480-350-8951 Code Compliance: 480-350-8372 julie scofield@tempe.gov

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

